

# **EXHIBIT 1**

# Dowling PLLC

CRAIG SCHAUER  
DOWLING PLLC  
3801 LAKE BOONE TRAIL  
SUITE 260  
RALEIGH, NORTH CAROLINA 27607  
CSCHAUER@DOWLINGFIRM.COM  
919-529-3351

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## VIA EMAIL

Press Millen  
Womble Bond Dickinson (UC) LLP  
555 Fayetteville Street, Suite 1100  
Raleigh, NC 27601  
[Press.Millen@wbd-us.com](mailto:Press.Millen@wbd-us.com)

**RE: *Earls v. N.C. Judicial Standards Commission*, Case No. 1:23-cv-734**

Dear Press,

Thanks for speaking with me on Thursday afternoon about the litigation and your client's request for injunctive relief. I have had a chance to confer with my clients. We ask for a 14-day extension of time to respond to the pending motion for preliminary injunctive relief, making our response brief due October 6, 2023. Based on our conversation, I am optimistic your client will be amenable to this short extension.

The normal course of the Commission's investigation in this matter does not contemplate any further action by the Commission until November at the earliest. The next desired investigative action regarding this matter would be an interview with your client. Even absent the litigation, that interview could wait until November. As such, the Commission can confirm that it will not take any investigation action until November 1, 2023, at the earliest.

You also shared that your client has questions about whether future statements she intends to make might implicate the Judicial Code and feels a need to have her statements reviewed by counsel. For instance, you mentioned your client's concerns about giving an upcoming commencement address. As stated in the August 15, 2023 Notice, the Commission's current investigation is limited solely to statements your client made that "appear[ed] to allege that [her] Supreme Court colleagues are acting out of racial, gender, and/or political bias in some of their decision-making." Given this narrow scope, it would seem your client can confidently speak on a very broad range of topics without implicating the Judicial Code and needing to seek guidance from legal counsel. Should your client have questions about the application of the Judicial Code to a particular statement, the Commission frequently provides informal advisory opinions upon request to all members of the judiciary.

Please advise whether your client will consent to a 14-day extension of time to respond to the pending motion for injunctive relief. We intend to move for an extension on Wednesday.

Regards,



Craig D. Schauer